

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Chambers of
Richard D. Bennett
United States District Judge
Northern Division

U.S.Courthouse - Chambers 5D
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September 14, 2009

TO COUNSEL OF RECORD

Re: Shoregood Water, et al. v. U.S. Bottling, et al.
Civil No. RDB 08-2470

Dear Counsel:

Many members of our bar have expressed concern about the obstacles to timely, efficient, and inexpensive resolution of discovery disputes. I have personally noted that the Local Rules of this Court are sometimes too quickly implemented by counsel upon the first indication of a discovery dispute. In order to address these concerns, I have adopted a policy with respect to discovery disagreements. This policy shall be followed **before** the filing of any motions relating to discovery disputes.

In the event of a disagreement involving a discovery matter, counsel shall notify opposing counsel of their intent to contact my chambers to request that I make myself available for a telephone conference. Counsel requesting such a conference shall check the availability of all counsel and then contact my chambers with their suggested dates and times. After a date and time have been scheduled with the Court, it shall be the responsibility of counsel requesting the conference to arrange and initiate the conference call at the prescribed time. I would not anticipate that any conference call would take more than 30 minutes.

As you know, on December 1, 2006, a series of amendments to the Federal Rules of Civil Procedure became effective, creating new rules governing discovery of electronically stored information ("ESI"). You will note that the Scheduling Order includes a deadline for a conference with respect to discovery of ESI.

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Counsel involved in any such discovery disputes shall deliver to my chambers short letters (not more than two pages) setting forth their respective positions not later than 5 p.m. on the day prior to the scheduled telephone conference. Unless specifically requested by counsel, there will not be a court reporter present and there will not be an official record of the conference.

I will do my best to resolve as many disputes as I can in this informal manner. If, however, I determine that the issues require the formal filing of a motion and briefing, I will so advise counsel. In that event, I may or may not refer the discovery dispute to a Magistrate Judge of this Court.

In order for this informal discovery dispute policy to be successful, it is imperative that counsel exercise restraint. I simply do not have time to resolve each and every dispute that may arise during the course of discovery. However, I recognize the great advantage the court can provide in quickly resolving many discovery issues.

Sincerely,

/s/
Richard D. Bennett
United States District Judge

RDB/skp